

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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RE: Mark S. Obara A/K/A Mark Stanislaw	:	
Obara A/K/A Mark Obara and Domenica C.	:	
Obara	:	Chapter 13
Debtors	:	
Seterus, Inc., as the authorized subservicer for	:	Bankruptcy Number 13-05819
Federal National Mortgage Association	:	
("Fannie Mae"), creditor c/o Seterus, Inc	:	
Movant	:	
v.	:	
Mark S. Obara A/K/A Mark Stanislaw Obara	:	
A/K/A Mark Obara and Domenica C. Obara	:	
and	:	
Charles J. DeHart, III, Trustee	:	
Respondents	:	

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**MOTION OF SETERUS, INC., AS THE AUTHORIZED SUBSERVICER FOR  
FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR  
C/O SETERUS, INC FOR RELIEF FROM AUTOMATIC STAY TO PERMIT  
SETERUS, INC., AS THE AUTHORIZED SUBSERVICER FOR FEDERAL NATIONAL  
MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR C/O SETERUS, INC TO  
FORECLOSE ON 218 SPRUCE RUN CREEK DRIVE, DINGMANS FERRY, PA 18328**

The Motion of Seterus, Inc., as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc, Movant herein, respectfully represents:

1. Mark S. Obara A/K/A Mark Stanislaw Obara A/K/A Mark Obara and Domenica C. Obara, respondent herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code on November 12, 2013 under Bankruptcy No. 13-05819. The Debtors have continued in possession of the property, and are now managing it.

2. Movant is a secured creditor by reason of debtors having executed and delivered a mortgage on premises 218 Spruce Run Creek Drive, Dingmans Ferry, PA 18328 to Suntrust Mortgage, Inc. on August 27, 2008, which mortgage was recorded in the Office of the Recorder of Deeds of Pike County on September 4, 2008 as Instrument No. 200800010862 in Mortgage Book 2288 Page 140-161.

3. The mortgage has since been assigned to Movant herein by written assignment which was recorded in the Office of the Recorder of Deeds of Pike County on October 8, 2015 as Instrument No. 201500007713 Book 2479 Page 2133-2134.

4. Movant seeks relief for the purpose of foreclosing its mortgage against the Debtors' interest in real property known as 218 Spruce Run Creek Drive, Dingmans Ferry, PA 18328.

5. Movant lacks adequate protection in that the debtor has failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note. Movant wishes to continue with the foreclosure action, which was stayed by the filing of the instant petition in bankruptcy.

6. As of the date of the filing of bankruptcy on November 12, 2013, Seterus, Inc., as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc was the holder of a secured claim against the debtors for the sum of \$191,337.63 which represented unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. On that date, no pre-petition arrears were due to Movant.

7. Debtors have not made regular timely post-petition mortgage payments outside the plan and the account is now due as follows:

<b>DUE FROM</b>	<b>DUE TO</b>	<b>DESCRIPTION</b>	<b>AMOUNT DUE</b>
4/1/2017	1/1/2018	@ 1113.79	11,137.90
2/1/2018	4/1/2018	@ 1125.93	3,377.79
		LESS SUSPENSE	215.90
		Attorney's fee	850.00
		Filing fee	181.00
		<b>TOTAL DUE</b>	<b>15,330.79</b>

8. Upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c)

9. Movant requests that Rule 4001(a)(3) be waived.

10. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code

11. Debtors have no reasonable prospect for reorganization.

12. If Seterus, Inc., as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

**WHEREFORE**, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362 be modified to permit it to foreclose on premises 218 Spruce Run Creek Drive, Dingmans Ferry, PA 18328, that Rule 4001(a)(3) be waived, that upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c), That Movant may take such actions with respect to the real property as are set forth under applicable non-bankruptcy law. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

**/s/Heather S. Riloff**  
**Heather S. Riloff, Esquire**  
**Martha E. Von Rosenstiel, P.C.**  
**649 South Avenue, Unit 6**  
**Secane, PA 19018**  
**(610) 328-2887 Ext 13**  
**Heather@mvrlaw.com**  
**Attorney I.D. #309906**